

# In the Court of Appeals of the State of Alaska

**Keone Jason Lee,**

Appellant,

v.

**State of Alaska,**

Appellee.

Court of Appeals No. **A-12860**

## **Order**

Petition for Rehearing

Date of Order: **4/25/2022**

Trial Court No. **3AN-11-08545CR**

Before: Chief Judge Allard, and Wollenberg and Harbison, Judges.

The Appellant, Keone Jason Lee, seeks rehearing of our decision in his case: *Lee v. State*, \_\_\_ P.3d \_\_\_, Op. No. 2719, 2022 WL 333875 (Alaska App. Feb. 4, 2022). Lee contends that in its opinion, the Court mistakenly stated that his “tax forms, his school transcripts, pictures of his car, and corresponding car manual were found in the unallocated space of [his] laptop.” Lee asserts that this is factually incorrect and he urges the Court to grant rehearing “to the extent that this Court’s decision was based on these factual inaccuracies.”

We have reviewed the trial court record and have confirmed that Lee is correct. Although Lee’s tax forms, school transcripts, and pictures of his car and corresponding car manual were found on Lee’s laptop, they were not found in the unallocated space. We further conclude, however, that our analysis was not materially affected by this factual inaccuracy. Accordingly, Lee’s remedy is limited to correction of the factual inaccuracy in the opinion.

Accordingly, IT IS ORDERED:

1. The petition for rehearing is GRANTED IN PART:

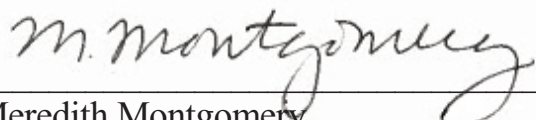
2. The third paragraph on page 8 of our slip opinion is amended by striking the portions indicated below, and by adding the language indicated in bold:

We note that Lee never argued at trial that someone else downloaded and deleted the images, nor did he argue that the images were accessed inadvertently. And in his statement to the police, Lee acknowledged that the computers were his. In addition, Lee’s tax forms, his school transcripts, pictures of his car, and corresponding car manuals were found ~~in the unallocated space of~~ **on** Lee’s laptop — and the same car manuals were also found ~~in the unallocated space of~~ **on** Lee’s desktop computer. One of the images of child pornography found on Lee’s desktop computer was also among the images found on Lee’s laptop. When the police searched Lee’s computers, they discovered the file-sharing program, BitTorrent, on Lee’s desktop. The same BitTorrent download folder that contained the pornographic images also contained the car manuals **for and images of** a Mitsubishi 3000GT labeled “Keone’s car.”

2. In all other respects, the petition for rehearing is DENIED.

Entered at the direction of the Court.

Clerk of the Appellate Courts

  
Meredith Montgomery

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